

Local Enforcement Plan

Appendix A – Untidy Land

July 2019



CHORLEY COUNCIL PLANNING SERVICE
LOCAL ENFORCEMENT PLAN
Appendix A – Untidy Land

INTRODUCTION

Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area.

If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied. These notices set out the steps that need to be taken, and the time within which they must be carried out. LPAs also have powers under s219 to undertake the clean-up works themselves and to recover the costs from the landowner.

It is important to note that s215 action can be taken against land and buildings – in s336 of the Act the definition of ‘land’ includes a building.

HOW WE DECIDE IF COUNCIL INTERVENTION IS REQUIRED

The use of s215 by LPAs is discretionary and it is therefore up to Chorley Council to decide whether a notice under these provisions would be appropriate in a particular case, taking into account all the local circumstances.

‘Amenity’ is a broad concept and not formally defined in the legislation or procedural guidance, i.e. it is a matter of fact and degree and, certainly common sense. Each case will be different and what would not be considered amenity in one part of an LPA’s area might well be considered so in another. The Council will need to consider, for example, the condition of the site, the impact on the surrounding area and the scope of our powers.

In some circumstances s215 notices may be used in conjunction with other powers, for example, repair notices in respect of listed buildings or dangerous structure notices.

In considering whether to utilise its powers under s215, the Council will apply the following considerations:

- Is the Act the most appropriate legislation to use to rectify the situation, i.e. the primary legislation? e.g. the Building Act 1984 might be more applicable if a dangerous building is involved?
- Is the land having an unacceptable impact upon the amenity of the area?
- Is the site in a visually prominent location?
- Would improving the land potentially have a knock-on effect to regenerate the wider area?
- Has a formal warning already been issued which;
 - gave the landowner/occupier a specified and reasonable length of time to undertake the works themselves;
 - specified why the Council consider action is required; and
 - specified what actions the Council requires from the landowner/occupier.
- Have all attempts at negotiation failed?